

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Frank Brett,)	C/A No. 3:13-359-JFA-SVH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
U.S. Marshal — Unknown Oriental Man,)	
South Carolina; U.S. Marshal— Gary)	
Unknown, Philadelphia, PA; and)	
Richard Gertz,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Frank Brett, filed his complaint pursuant to 28 U.S.C. § 1915, which permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit. The complaint consists of a variety of claims which date back more than 25 years.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that the plaintiff's complaint should be summarily dismissed for lack of subject matter jurisdiction. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

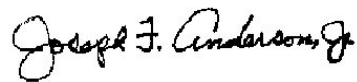
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on February 28, 2013. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge properly concludes that this court does not have subject matter jurisdiction over the plaintiff's claims. Moreover, the plaintiff has failed to plead any recognizable factual or legal basis for any discernable cause of action as is required under Rule 8(a)(1) of the Federal Rules of Civil Procedure.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation is proper and is incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

March 20, 2013
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge